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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,886	02/01/2000	Victor Alfaro	60970047-1	5423

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EXAMINER

MOUTTET, BLAISE L

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 03/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/495,886

Applicant(s)

ALFARO ET AL.

Examiner

Blaise L. Mouttet

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The substitute specification filed February 14, 2001 is objected to because it contains new matter. At least two examples of this new matter have been found. On page 4 the applicant has amended the specification to rely on Alfero US 6,296,343 to provide an enabling written description of the claimed "narrowing pattern" and page 6 has been amended to introduce allegedly distinguishing features between Towery et al. US 5,574,832, the reference used in the applied rejection, and applicant's invention.

### ***Claim Objections***

2. Claim 4 is objected to because in line 2 "highter resolution bitmat" should read -- higher resolution bitmap--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular the meaning of "a narrowing pattern" is unclear. The applicant's written description makes reference to "a narrowing process" in the

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fourth paragraph of page five however the description does not further detail what this narrowing process consists of or whether any "narrowing pattern" is involved in this process. Furthermore, a precursory search by the examiner for the concept of "a narrowing pattern" in the prior art did not provide any definitive meaning for this term. Without such definitive meaning being present in applicant's specification or the prior art a person skilled in the art would not be able to make or use the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The definition of "a narrowing pattern" is unclear from applicant's specification and from a search of the prior art. Due to the lack of clarity in the meaning of this limitation a comparison of this claim to the prior art can not be performed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Towery et al. US 5,574,832.

Towery et al. discloses a technique for bilevel printing of a figure comprising:  
providing an inkjet printhead (figures 2 and 3) having a nozzle pitch of a first resolution (column 4, lines 8-16);

creating a higher resolution bitmap which resolution is greater than the first resolution (column 1, line 66 - column 2, line 2, column 13, lines 34-43);

converting the higher resolution bitmap for printing onto an asymmetrical pixel grid (i.e. 600x300 dpi) having the first resolution in one axis and the higher resolution in a second axis (figure 12), wherein said converting includes applying a depletion pattern only in the axis of higher resolution (column 2, lines 3-10, column 6, lines 59-62).

Regarding claims 3 and 4, converting includes applying a logical operation on three adjacent rows of the higher resolution bitmap to determine whether or not print pixels are preserved (figure 8, column 8, lines 29-48, claim 1).

### ***Response to Arguments***

6. Applicant's arguments filed February 14, 2002 have been fully considered but they are not persuasive.

Regarding the rejections under 35 USC 112, the applicant has argued that "narrowing pattern" has clear meaning in the present application given the flowchart of figure 4B, the amendment to the specification and the included reference to Alfaro 6,296,343. The examiner disagrees.

Nowhere in the current specification or the Alfero patent except in claim 2 of the present application is any "narrowing pattern" referenced or defined. Figure 4B of the current application shows a method of turning on or off pixels to be printed and the Alfero patent discloses methods for attaining higher resolution printing with lower resolution printheads however it is still unclear what is included and what is excluded when the applicant refers to "a narrowing pattern". Without such definitive meaning being present in applicant's specification or the prior art a person skilled in the art would not be able to make or use the claimed "narrowing pattern".

Regarding the 35 USC 102 rejection, the applicant argues that there is no teaching in Towery et al. of "eliminating alternate rows and then selectively preserving certain pixels from said eliminated rows" and the applicant cites portions of Towery et al. that teach away from features of applicant's invention.

Firstly, regardless of whether or not Towery et al. disclose the eliminating step cited by applicant this step is not currently claimed. Secondly it is irrelevant whether or not Towery et al. might teach away from applicant's invention or may incorporate additional steps contrary to applicant's invention since

- i) Towery et al. is used as a 35 USC 102 anticipatory reference,
- ii) the claims are written in an open ended fashion (i.e. comprising) and
- iii) it is not applicant's disclosed invention but the **claimed** invention which is used in determining patentability.

### ***Conclusion***

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**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet whose telephone number is (703) 305-3007. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

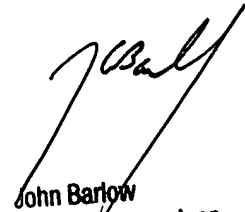
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow, Jr. Art Unit 2853, can be reached on (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet March 13, 2002

Bm 3/13/2002

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800